

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

Jonathan R., minor by Next )  
Friend Sarah DIXON, *et al.*, )  
                                  )  
                                  *Plaintiffs*, )  
v.                              )      Case No. 3:19-cv-00710  
                                  )  
Jim JUSTICE, in his official capacity as )  
the Governor of West Virginia, *et al.*, )  
                                  )  
                                  *Defendants*. )

**DECLARATION OF MARCIA ROBINSON LOWRY IN SUPPORT OF PLAINTIFFS'  
MOTION TO COMPEL**

I, Marcia Robinson Lowry, declare:

1. I am counsel for Plaintiffs in the above-captioned action and submit this Declaration in support of Plaintiffs' Motion to Compel.

2. Plaintiffs understand that Defendants have not reviewed all of the documents they produced to Plaintiffs and there may well be other documents in their productions that Defendants will argue are covered by deliberative process privilege. To address Defendants' ability to produce documents without reviewing each document produced, the parties amended their stipulation on inadvertent disclosures. ECF No. 387.

3. Plaintiffs have scheduled the depositions of numerous former and current employees at the Department of Human Services, including former Secretary Bill Crouch and current Secretary Cynthia Persily, for June and early July.

4. The parties met and conferred on May 23, 2024 to ascertain whether they could narrow the issues in dispute with respect to this Motion. It was determined that no compromise could be reached on narrowing the issues prior to Plaintiffs filing this Motion.

5. Attached as Exhibit 1 is a true and correct copy of the transcript of the deposition of Jeremiah Samples on April 18, 2024.

6. Attached as Exhibit 2 is a true and correct copy of Exhibit 7 to the deposition of Jeremiah Samples.

7. Attached as Exhibit 3 is a true and correct copy of an email exchange between Plaintiffs' counsel and Defense counsel dated April 18, 2024-April 23, 2024.

8. Attached as Exhibit 4 is a true and correct copy of an email exchange between Plaintiffs' counsel and Defense counsel dated April 29, 2024-May 2, 2024.

9. Attached as Exhibit 5 is a true and correct copy of an email exchange between Plaintiffs' counsel and Defense counsel dated May 9, 2024-May 21, 2024.

10. Attached as Exhibit 6 is a true and correct copy of Defendants' privilege log listing documents withheld to or from Brian Abraham or Ann Urling dated May 8, 2024.

11. Attached as Exhibit 7 is a true and correct copy of Defendants' privilege log dated May 10, 2024 listing documents between employees of DoHS that are being withheld on the basis of deliberative process privilege.

12. Attached as Exhibit 8 is a true and correct copy of emails attaching the March 25, 2021 Foster Care Ombudsman's report.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2024



Marcia Robinson Lowry